



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

SMITH MOORE LLP
P.O. BOX 21927
GREENSBORO NC 27420

COPY MAILED

JAN 23 2008

In re Application of	:	OFFICE OF PETITIONS
Josef H. Burgert	:	
Application No. 10/517,572	:	DECISION ON PETITION
Filed: December 9, 2004	:	UNDER 37 C.F.R. § 1.137(b)
Attorney Docket Number:	:	
5003073.091.US2	:	
Title: PROCESS FOR THE	:	
PREPARATION OF IRON ION	:	
CONTAINING WATER-ABSORBENT	:	
POLYMERS WITH LOW RESIDUAL	:	
MONOMER CONTENT	:	

This is a decision on the petition, pursuant to 37 C.F.R. § 1.137(b)¹, to revive the above-identified application, filed on October 12, 2007.

Petitioner has entitled this petition "petition to withdraw notice of abandonment..." however it is clear that he has intended to file under Rule § 1.137(b).

This petition is **DISMISSED**.

¹ A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed February 5, 2007, which set a shortened statutory period for reply of three months. An after-final amendment was received on April 3, 2007, and an advisory action was mailed on April 9, 2007. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on May 6, 2007. A notice of abandonment was mailed on August 14, 2007.

With the present petition, Petitioner has submitted the petition fee and has submitted a Request for Continued Examination along with the associated fee. A terminal disclaimer is not required.

As such, Petitioner has met requirements (1) and (2) of 37 C.F.R. § 1.137(b). The fourth requirement is not applicable.

Regarding the third requirement, 37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. With the present petition, Petitioner has not submitted this statement.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁵.

On renewed petition, Petitioner should include the required statement of unintentional delay.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁴ (571) 273-8300- please note this is a central facsimile number.

⁵ <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁶. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.